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Cynthia S. Byrd  
International Business Machines Corporation  
Intellectual Property Law Department  
11400 Burnet Road, Internal Zip 4054  
Austin, TX 78758

EXAMINER

HANNE, SARA M

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/047,116  
Filing Date: January 15, 2002  
Appellant(s): ULLMANN ET AL.

\_\_\_\_\_  
J. B. Kraft  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 8/11/05 appealing from the Office action  
mailed 3/23/05.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6535909	Rust	3-2003
6546405	Gupta et al.	4-2003
5944791	Scherpbier	8-1999

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 7, 11-13, 17, 19-21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rust, US Patent 6535909.

As in Claims 1, 11 and 19, Rust teaches a system, method and computer program means enabling a user to interactively navigate the Web through a sequence of linked hypertext documents in a browsing session at a receiving display station (Web browsing

session 100), means for recording on a real-time basis the interactive navigation of the user in the browsing session ("the Presenter in a collaborative Web browsing session to be able to record the presentation for playback at a later time.", Column 2, lines 35-36), means enabling a subsequent user to follow the path of the recorded navigation on a real-time basis in a surrogate browsing session on a display device("allow any other person, who attended the live presentation or not, to replay the collaborative Web browsing session", Column 2, lines 47-49), and means enabling the subsequent user following the path of the recorded navigation in the surrogate session to modulate the real-time of the navigation on the display device ("playback a previously recorded collaborative Web browsing session with real time correlation", Column 2, lines 59-60 with the Playback Client 150). Rust discloses recording a browsing session, and enabling a subsequent user to follow the path of the recorded navigation on a real-time basis displaying web pages that were previously accessed by the first user as seen *supra*. Rust fails to explicitly state the subsequent user selecting a recorded but previously unselected hyperlink as recited in the claims. Within the field of the invention, it would be obvious to one of ordinary skill in the art to select any hyperlink, whether it be previously selected or unselected by the subsequent user displayed on the webpage from the recorded session. One would have been motivated to make such a combination because an alternate path begun by viewing a recorded session would have been obtained.

As in Claims 2, 12 and 20, Rust teaches the recorded navigation including scrolling through a Web document (Column 6, line 2 et seq.).

As in Claims 3, 13 and 21, Rust teaches the recorded navigation including selecting a hyperlink in a displayed Web document to access and display the respective linked hypertext document (Column 5, line 30 et seq.).

As in Claims 7, 17 and 25, Rust teaches the surrogate session carried out off-line from the Web network (local events, Column 10).

Claims 4-6, 8-10, 14-16, 18, 22-24 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rust, US Patent 6535909, and further in view of Gupta et al., US Patent 6546405.

Rust teaches a means for recording and playback method for Website navigation that records a real-time line for the recorded navigation (Column 8, lines 5-13) as in Claims 4, 14 and 22 (see also Claim 1 rejection *supra*). While Rust teaches the means for recording a real-time line for the recorded navigation, they fail to show the means for displaying the recorded real-time line in the surrogate browsing session as recited in the claims. In the same field of the invention, Gupta et al. teaches a real time recording and playback multimedia device similar to that of Rust. In addition, Gupta et al. further teaches displaying the recorded real-time line in the surrogate session (Column 2, lines 40-42). It would have been obvious to one of ordinary skill in the art, having the teachings of Rust and Gupta et al. before him at the time the invention was made, to modify the real time Web browsing recording and playback method, system and computer program taught by Rust to include the displayed timeline of Gupta et al., in order to obtain a timeline display corresponding to user interaction with the Website.

One would have been motivated to make such a combination because annotated, visually distinguishable tracking method would have been obtained, as taught by Gupta et al.

As in Claims 5, 15 and 23, Rust teaches the means enabling the user to insert time marks in the real-time line to indicate significant points in the browsing session (time marks are inserted in the time line, 'event log', by the user accessing web sites during the recorded browsing session. See Column 8, lines 9-11).

As in Claims 6, 16 and 24, Rust teaches the inserted time mark coinciding with the navigation reaching a specific hyperlink in a hypertext document during the browsing session (See the rejection of Claims 3 and 5 *supra*).

As in Claims 8, 18 and 26, Rust teaches a means enabling a user to interactively navigate the Web through a sequence of linked hypertext documents in a browsing session at a receiving display station, the means for recording on a real-time basis the interactive navigation of the user in the browsing session (See Claim 1 rejection *supra*) and the means for recording a real-time line for the recorded navigation (Column 8, lines 5-13).

As in Claims 9 and 27, Rust teaches a video cassette player and the navigation in the browsing session is recorded on video tape (Column 5, line 9 et seq.).

As in Claims 10 and 28, Rust teaches the display device as a computer controlled display having means for storing the recorded real-time interactive navigation (Figure 1, Playback Client 150 and display 196).

### **(10) Response to Argument**

Rust teaches a system and method for which a presenter may record a browsing session that a second user, or client may subsequently view allowing a "collaborative Web browsing session" via a communication network such as the World Wide Web as illustrated by the abstract of the Rust patent. Further in accordance with the claims, Rust enables a user to record an interactive navigation (Web browsing session, ref. 100) of several linked hypertext documents through the Web in a browsing session and allows a subsequent user to "watch" the recorded browsing session on another computer display in real time ("playback a previously recorded collaborative Web browsing session with real time correlation", Column 2, lines 59-60 with the Playback Client 150). Attendee Clients, ref. 120, can follow the browsing session live through a browser window (Col. 6, lines 1-2) and another client, the Playback client can "watch" the browsing session, however, the Playback Client can view the session at a later time when desired (Col. 6, lines 4-5). The Control Server, ref. 140 transmits the information between the Presenter, ref. 110, and the Clients (Configuration of the network seen in Figure 1A). The Clients experience "the same audio and visual data elements of the collaborative Web browsing session" as recorded by the Presenter.

Rust also incorporates, by reference Schephier, US Patent 5944791 (Col. 1, lines 53-54) cited by the examiner in the final office action dated 3/23/05, (Pg. 6). Schephier teaches recording a browsing session of a first computer user, referred to as the "Pilot", and sending the accessed webpages of the Pilot, referred to as a "flight", from the recorded browsing session to subsequent computer users (Col. 4, lines 56-58), referred



to as the "passengers" (Col. 3, lines 16-17). The "passenger" may be "upgraded" to "co-pilot" (Col. 7, lines 36-37), enabling the second user to select other hyperlinks within the webpage to access some hypertext document (Col. 7, lines 40-43).

The applicant's primary argument is in regards to the limitation "enabling said subsequent user to select a recorded but previously unselected hyperlink to thereby access a linked hypertext document". For a subsequent user viewing a previously recorded session, this session includes viewing the webpages that have been previously selected by a first user. Practically all web pages include hyperlinks to a plurality of other hypertext documents. At the end of the viewing of the recorded navigation, the subsequent user is left with the previously recorded webpage, possibly containing hyperlinks, and as in any browsing session, these hyperlinks are accessed at the user's discretion. This is an obvious action for the user to take and is taught by any browsing session. Furthermore, applicant appears to imply that this limitation incorporates a "Later Link Log", as this is the only example in the specification that supports the limitation of selection of recorded but previously unselected hyperlinks. However the "Later Link Log" is more in-depth and specific, and such interpretation would be improper narrowing of the claim.

Obviousness is also supported by the reference Scherpbier which is incorporated by reference into Rust which discusses recording all of the hyperlinks, selected and unselected, within a previously accessed website, transmitting them to a subsequent user, the co-pilot, and allowing that co-pilot to select them as seen *supra*. While the applicant states that the Final Rejection mentions but does not apply the Scherpbier

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patent, they can not address the significance of this reference, the examiner would like to point out that it is included to support the obviousness of including this limitation with the other limitations of the claims and should be considered seeing as though it is incorporated into the Rust patent and specific lines have been pointed out for support as seen in the final office action dated 3/23/05, and above. When reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Sara M. Hanne

*Sara M. Hanne*

Conferees:

Ba Huynh  
Primary Examiner  
AU 2179

*Ba Huynh*  
BA HUYNH  
PRIMARY EXAMINER

Weilun Lo  
Supervisory Patent Examiner  
AU 2179

*Weilun Lo*  
WEILUN LO  
SUPERVISORY PATENT EXAMINER

Kristine Kincaid  
Supervisory Patent Examiner  
AU 2174

*Kristine Kincaid*  
KISTINE KINCAID  
TECHNOLOGY CENTER 2100